

CONCEPTUALIZING THE MODERN AMERICAN PUBLIC UNIVERSITY: Early Debates Over Utilitarianism, Autonomy, and Admissions

July 2021*

John Aubrey Douglass
UC Berkeley

Copyright 2021 John Aubrey Douglass, all rights reserved.

ABSTRACT

In the discourse that swirled in the mid-1800s around the creation of new American public universities, three major and interrelated tensions became evident: the first related to the continued debate regarding the proper curricular balance between practical education and classical studies; the second focused on the appropriate autonomy of institutions intended to serve the public interest in a society often racked by sectarian and class conflict; and the third centered on the degree to which these public institutions should be selective in their admissions and representative of the state's population. Reflecting the diversity of cultural and political differences of the states, a variety of organizational approaches could be found in mid-century America. However, by the 1870s, a distinct path did emerge, influenced by the passage of the Land-Grant College Act of 1862. The act forced states to more actively define the character of their state education systems and the purpose of their public universities. The origins and early development of a state university in Michigan offers an informative window into each of these tensions. The responses offered by Michigan significantly influenced the rise of the American public university, and the character of its social responsibilities.

Keywords: Utilitarianism, American Universities, Autonomy, Governance, Admissions, Social Contract

Any system of education adapted to the exclusive or unequal and inordinate culture of any one class or profession in the State, is defective: it generates clans and castes, and breaks in upon that natural order, equality, and harmony which God has ordained. It will create a concentration of intellectual power in the educated head of the body politic—cold, crafty, selfish, and treacherous—which will sooner or later corrupt the heart.

Jonathan Baldwin Turner, in *Industrial Universities for the People*, 1853

I have sought to make all the schools and teachers in the State understand that they and the University are parts of one united system and that therefore the young pupil in the most secluded school house in the State should be encouraged to see that the path was open from his home up to and through the University.

James Burill Angell, President of the University of Michigan, 1879

In 1800s America, each successive expansion westward caused political and community leaders in the frontier territories and in new states to profess the dawning of a new democratic experiment. Once again, plenty of arable land and the lack of a set social and economic hierarchy offered the necessary seeds for the concept, if not always the reality for all, of socio-economic mobility and egalitarianism. These new states were also desperate for public institutions that could bind their communities and promote their affluence. The prospect of great public universities educating the young and promoting the economy of a state, inducing culture, and creating democratic leaders, grew in its allure as states struggled to establish themselves. The notion of the "state college" tied to the wants of an agrarian world had other characteristics.

* John Aubrey Douglass is Senior Research Fellow and Research Professor at the Center for Studies in Higher Education, UC Berkeley. He is the author of *Neo-Nationalism and Universities* (forthcoming Johns Hopkins University Press). This essay is part of a series of reflections on the history and character of American universities, including "[The Rise of the Publics: American Democracy, the Public University Ideal, and the University of California](#)." The author thanks Karin Fischer, Bruce Leslie, Robert May, Igor Chirikov, Zach Bleemer, and Amal Kumar for their review and critique of this essay.

At one level, it was a staunch rejection of perceived eastern elitism. On another level, the proliferation of state colleges reflected status anxiety and the desire to avoid a brain drain of talent to more established states. For advocates of statehood, public education, and the state university specifically, might also mitigate the roughness and lawlessness of the frontier. There were great expectations for these institutions, though they had barely been established, their resources meager, and nature of the academy itself largely traditional and conservative.

In the discourse that swirled around the creation of new American public universities, three major and interrelated tensions became evident.

- The first related to the continued debate regarding the proper curricular balance between practical education and classical studies.
- The second focused on the appropriate autonomy of institutions intended to serve the public interest in a society often racked by sectarian and class conflict.
- And third, debate centered on the degree to which these public institutions should be selective in their admissions and representative of the state's population.

Reflecting the diversity of cultural and political differences of the states, a variety of organizational approaches could be found in mid-century America. However, by the 1870s, a distinct path did emerge, influenced by the passage of the Land-Grant College Act of 1862 by Congress. Steeped in Whiggish ideals of public institutions serving the economic and social wants of growing nation, and in the midst of the Civil War, Senator Justin Morrill's federal legislation not only provided a source of funds for building higher education institutions. The act forced states to more actively define the character of their state education systems and the purpose of their public universities within the cultural and racially segregated post-civil war world.¹ Like the ideals of equality set out in the U.S. Constitution that ignored the harsh realities of racial, ethnic, and gender discrimination, these early debates about the role of an emerging class of public universities generate broad concepts of on the importance of socioeconomic mobility and institutional practices intended to reshape American society.

The origins and early development of a state university in Michigan before the American Civil War offers an informative window into each of the tensions noted, and specifically into the political and administrative challenges faced by its president, Henry Philip Tappan. The responses offered by Tappan and Michigan significantly influenced the subsequent rise of the American public university, and the character of its social responsibilities.

BALANCING THE LITERARY WITH THE PRACTICAL AND SCIENTIFIC

America's first institutions of higher education were built by local communities as quasi-entities of the state. Chartered by the state, sometimes receiving some public funds, they effectively operated independently, decidedly bent toward a classical curriculum intended to infuse, not invent, knowledge. In contrast, the mission and operation of the emerging state universities came from the halls of state government and the political discourse of frontier societies. Public universities were anointed as critical agents of large-scale social progress and change, rooted in *both* a new egalitarian ethos, and new ideas of knowledge production--preferably practical advancements useful in agriculture and engineering.

Whereas a few important private institutions, notably Harvard and Yale, struggled internally over the place of science in the university and its influence on the moral bearings of the traditional academy, the cast was much more clearly set for public institutions. The external world drove their very existence. The leaders of public universities could not simply maintain a standardized curriculum that excluded important modern and practical subjects. Yet these new public institutions obviously did not emerge fully formed. And while secular institutions, they did not represent a rejection of religion. Rather they marginalized and eventually excluded its role within the curriculum.

On becoming the president of the University of Michigan, Tappan remarked on the old pattern in 1852: "The Universities of Oxford and Cambridge, and the University of Paris were the work of individual munificence and enterprise in their inception, and in much of their after development. So, also, most of the Colleges of our country have been created by individuals. The State lent its aid when these institutions had already attained conspicuity, and given demonstrations of their value and importance."² In Michigan, as in Prussia, Tappan noted, the initiation was from the state and its character and purpose should thus be different.

Initial efforts by state governments to create universities proclaimed their broad public purposes, a home for both the literary and the scientific, and their role in producing "useful knowledge." However, beyond these general pronouncements by lawmakers, curricular content and aims were devoid of specifics, particularly in the charters for the first state universities and colleges. Often state legislation and the initial plans for a state college were simply the result of a rush by lawmakers to secure federal land grants. To do so required a formal legislation by a state, and legislatures happily passed such laws without tremendous thought.

The Ordinance of 1787 offered federally controlled land to states to encourage settlement and organize governments in the Northwest Territories, what became the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. One provision excluded slavery. Another offered land for popular education: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."³

The Michigan state constitution approved by Congress in 1837 as a requisite condition of acceptance into the Union noted its intent to establish a "State University." A law approved in 1817 by what was then the legislative body of the Territory of Michigan approved the creation of a "Seminary of Learning," and therefore the right to claim some 48,000 acres of federal land for a university. Various schemes were proposed to incorporate the private and intriguingly named Catheolepistemaid College, later gloriously re-named the University of Michigania, as the state's public university.

But these schemes initially floundered and failed, the victim of Michigania's secular ties, marginal existence, and the lack of interest and organizational skills of a territorial government. However, three months after its acceptance by Congress into the fold of the Union in 1837, the Michigan legislature established in statute the University of Michigan, created an appointed board of governors and voted for Ann Arbor as its official site. A trickle of funds was allocated to launch its operation.

Initially, Michigan's state university was a small affair in enrollment and programs, wracked by political intrusion. However, by the 1850s and under the inspired leadership of Tappan, it began a process of rapid maturation on route to becoming by 1866 the nation's largest university in enrollment—some 1,200 students.⁴

Born in 1805 in Rhinebeck, New York, Tappan earned a B.A. at Union College and then attended Auburn Theological Seminary. An ordained Presbyterian minister, he taught and wrote on the subject of moral and intellectual philosophy at the University of the City of New York, which later became New York University. His extensive writings included perhaps the most significant articulation of the university idea in mid-century America, *University Education*, published in 1851.⁵ Both his writings and his passion stuck the University of Michigan's Board of Regents as evidence of an original thinker. The power of his convictions brought not only innovation to a struggling institution, but, for the board and lawmakers, a perhaps unexpected willingness to confront.

Tappan offered a mighty and original voice for the idea of the state university that, along with his ordination as a minister, appealed to the University of Michigan's Board of Regents. A visit to Germany and its network of state funded universities influenced him greatly. If the predilection toward classical studies dominated the eastern colleges and emerging universities, the new state university battled the expectations of being almost wholly practical institutions.

In an environment of reactionary impulses between a conservative academy and public demands for applied programs, Tappan sought balance and choice. While he cogently argued for the rapid development of teaching and research in the sciences and in practical studies relevant to the lawmakers and people of Michigan, Tappan also publicly argued for the pivotal role of the humanities and arts. Both formed an integral and vital core to his idea of the modern university—an institution that would embrace the residential English college with the vigor for research of the Humboldtian model. It was an argument that future leaders of state universities and colleges would be required to fervently reiterate.⁶

In 1832, Alexis de Tocqueville observed that in America, and indeed in all truly democratic societies, "the interest of individuals, as well as the security of the commonwealth, demands that the education of the greater number should be scientific, commercial, and industrial, rather than literary."⁷ This was a view shared by many, particularly in young states seeking rapid material progress. The practical tendencies of lawmakers and their constituency of farmers and merchants at first generated great excitement and anticipation of the fruits of their new public universities. This initial excitement was often followed by disappointment and harsh criticism. A sense pervaded that too many resources and too much interest remained devoted to the classical curriculum.

In his 1852 inaugural address, Tappan purposely took this issue on. Without astronomy there would be no navigation across oceans, and hence no distant commerce, he stated. Without "mechanicians" and engineers, there would be no steam engines and railroads. Without chemistry, there would be no improvements in agriculture and manufactures. But without literature and the arts, one would fail to nurture the soul. There were also a few practical sides to a classical education that undoubtedly appealed to Michigan's populace. "Are not Webster's dictionary and spelling book durable commodities?" Tappan said. The products of Homer, Plato and other classicists were both great intellectual achievements, he suggested, and the generator of commodities. "Who can calculate the industry which has been employed, the wealth that has been, and is still to be created by the publication of any one of these books? The same remarks are plainly applicable to painting, sculpture, music, and all those arts which adorn human life: they create valuable stocks in trade, and furnish all those embellishments which are deemed essential in the manufacture of useful fabrics."⁸

A state university, Tappan exclaimed, must seek the advantages of literary and scientific pursuits. It must bring into being “books, fine arts, mechanical inventions, and improvements in the useful arts; thus, creating not only, important and indispensable commodities in trade, but providing also, the very springs of all industry and trade, of all civilization and human improvement, of all national wealth, power—and greatness. A people aiming at large increase of wealth by agriculture, manufactures, and commerce, of all others should aim to found and foster the noblest institutions of learning.” But as he would later remark, the culture of the university, and he hoped the people of Michigan, might no longer draw “acute distinctions” between scholastic and practical education. This division needed to come to an end.

Tappan came to Michigan preaching that a great state, which the people of Michigan surely sought, required a great state university. If nurtured, the University of Michigan could be among America’s greatest institutions of higher learning and an engine for economic development. The mind and materialism could both be served. “Let us stand up before the world with our good and great things, as well as with our useful and prosperous things. Let us make men as well as houses and railroads. Let us have eternal thoughts circulating among us as well as gold and silver.”

Among his first efforts was to expand the curriculum of the university. In 1850, Michigan’s revised state constitution had provided an important directive: The University of Michigan was to establish a school of agriculture “as soon as practicable” by the selling off acres given to the state by the federal government. Tappan quickly established a chair in “Theoretical and Practical Agriculture,” the first such position in an American university. He established a number of new departments, including a law school and a department of civil engineering, successfully recruited high quality faculty, increased the collection of the university library, and solicited funds for the construction of an astronomical observatory.

Michigan’s new state university was not alone in the endeavor to incorporate scientific and engineering subjects into the curriculum. But there were few good models. There were only a handful of institutions devoted to science and engineering in the United States. Europe offered the first polytechnic models. National governments created subject specific schools to meet national needs, such as the L’École des Mines founded in 1783 in Paris. West Point first taught engineering in 1817 modeled on European counterparts, specifically the École Polytechnic in Paris, for developing talent necessary for military purposes.

George Washington first proposed a military academy in 1783. It was to be a separate entity from the proposal for a national university. Washington suggested that the academic include “the Instruction of the Art Military; particularly those Branches of it which respect Engineering and Artillery, which are highly essential, and the knowledge of which is most difficult to obtain.”⁹

But not until 1802 was West Point established on a bluff overlooking the Hudson River in New York. Fifteen years passed before engineering was taught on a systematic basis. The Rensselaer Institute in Troy, New York, started a program in civil engineering in 1835 under the leadership of Amos Eaton. William Barton Rogers later embraced the polytechnic model in his successful effort to establish the Massachusetts Institute of Technology. Rogers professed similar ideals to those of Tappan and Justin Morrill when he argued that “no branch of practical industry, whether in the arts of construction, manufactures, or agriculture, which is not capable of being better practiced, and even of being improved in its process, through the knowledge of its connections with physical truths and laws.”¹⁰

All of these examples were of institutions created for specific technical and engineering purposes. How to integrate practical study into the broad charge of a university? Tappan again had only a few good models. Union College, Dartmouth College, and Francis Wayland’s reforms at Brown University added new programs in practical studies. Some colleges offered public lectures on practical science, removed from the curriculum.

The Franklin Institute in Philadelphia began a series on science and practical subjects in 1824. Yale and Harvard Universities established significant new academic efforts in the sciences, but within organizational structures separated from the general life of the college. Yale established a school of applied chemistry in 1846 (what would become the Sheffield School in 1860). At Harvard, Louis Agassiz created the Lawrence Scientific School a year later, focused on the fields of zoology and botany and their application to agriculture. In these ventures, the classical core at Yale and Harvard kept an arm’s length from the scientific schools, ensuring that scientific students did not mix with traditional undergraduates.

As a student at Yale, and well before his conversion to the ideals of practical education, Andrew Dickson White, once a student at Yale and later the first president of Cornell University, noted in 1909 that Tappan was not alone in regarding “the studies of my contemporaries in the Sheffield Scientific School with a sort of contempt—with wonder that human beings possessed of immortal souls should waste their time in work with blow pipes and test tubes.”¹¹ While helping to lead the scientific revolution, many of the offspring of Yale and Harvard’s scientific schools, such as White, Daniel Coit Gilman and David Starr Jordan, would note their

frustration with the conservative nature of their institutions. Both men would purposely venture out to new university experiments offered in the West. The geographer Gilman traveled to the Pacific coast in 1872 to become head of the new and struggling University of California, before escaping the political rancor that came with establishing a public institution to help found Johns Hopkins University—a private institution which he could more readily shape and control. An ichthyologist and protégé of White, Jordan became the president of the University of Illinois, en route to helping create Stanford University, largely on the liberal and practical model offered by Cornell University—a private institution in its birth that incorporated the ideals of the public university.

As a professor of history at the University of Michigan, White radically altered his views before becoming president and visionary for Cornell. Based in large part upon his experience at Michigan, he became an ardent advocate for practical training, and a severe and at times emotionally harsh critic of the sectarian-controlled eastern colleges. In his 1905 autobiography, White eulogized Tappan for launching an “utterly unsectarian” university with a broad course of instruction. In contrast, the curriculum in the best “Northern colleges” in 1850s was “narrow, their method outworn, and the students, as a rule, confined to one simple, single, cast-iron course, in which the great majority of them take no interest.” With the exception of Brown, he exclaimed the lot of them as “stagnant as a Spanish convent, and as self-satisfied as a Bourbon duchy.”¹²

THE DICHOTOMY OF AUTONOMY AND ACCOUNTABILITY

In his effort to convert the University of Michigan into one of the guiding lights of American higher education, Tappan faced many obstacles. Beyond the difficulties of balancing the literary core with practical study, Tappan wrote in 1858 of two “evils.” The first evil was the “destruction by force, by dispersion” of public resources necessary to build a true university. A second “evil to be avoided is sectarian prejudices and demands in management of the University.”¹³ The ability of the state university to manage its own development was correctly identified by Tappan as an essential ingredient for buffering the institution from outside influences, and perhaps most importantly for allowing the university to define its public purpose and, beyond what was outlined in its charter, its social contract.

In his advocacy, Tappan articulated an issue and tension that remains salient today. He essentially asked an important question: who should determine a university’s curriculum, hire and promote its faculty, protect their academic freedom, and set admissions policies? Tappan had a strong view.

Up to 1850, the answer to these questions was not entirely clear in the minds of legislators and advocates for public universities. Like in other states, within Michigan there was an on-going and often chaotic debate over the appropriate autonomy of an institution created by and for the people. For some thirty years prior, the institution endured a cavalcade of efforts to dictate its activities by governors, legislatures, and sectarian and political interests, crystallized by an often fractious and combative board of governors. As noted previously, the result was an institution of relatively small size and programs, with a lack of cohesion in its programs or sense of potential progress.

The state constitution of 1837 gave sanction for a corporate body known as the University of Michigan, but the terms of its existence remained the prerogative of lawmakers. The legislature proceeded to venture in a number of instances to select and appoint faculty members and establish departments and curricula. Real and perceived scandals surrounded the sale of federal lands granted to the state for promoting education, often sold at seemingly under market value to political insiders. In the period between 1837 and 1840, the governor reorganized the university faculty. While a member of the board of regents, duly constituted under the authority of the state constitution, the governor took this action under executive authority. The first official faculty appointment by the board arrived at Ann Arbor only to be summarily fired by the governor.

Other states mirrored this pattern of instability, reflecting the difficulties of defining the appropriate relationship of state governments with their new higher education institutions. The difficulties of this problem, however, were acute in Michigan, with competing claims regarding the purpose of the university eventually forcing the state to more clearly define the autonomy of its state university, and specifically the authority of its governing board.

With a growing sense of disappointment in the progress of the state university, in 1840 a select committee of the legislature outlined the problem. “When legislatures have legislated directly for colleges, their measures have been as fluctuating as the changing materials of which legislatures are composed,” stated its final report.” The board itself seemed to assume no independent authority. Its politically appointed members had such short terms and were of such “dissimilar and discordant characters and views that they never could act in concert, whilst supposed to act for and represent everybody, they, in fact, have not and could not act for anybody.” More importantly, legislatures retained “all the power of the State in their own hands.”

Thus, Michigan and other states had—by “repeated contradictory,” fed by a penchant for excessive legislation—created a confusing charge for their state universities. And why? It was in part because of the competing ideas on what the university should

do; but also, because legislators liked to intervene in the affairs of the university as they liked to revise “the statute book, and for the same reason, because they have the right.”¹⁴

Despite the recommendations of select committee to avoid future legislative forays into university management, the rights and prerogatives of lawmakers and the governor continued to trump any shift in the status of the board and the university. For another ten years, Michigan’s state university struggled and functioned without a president. Under the influence of lawmakers, regents made management decisions and faculty carried them out. In sharp contrast, numerous private colleges, protected by the laws of incorporation influenced by an 1816 Supreme Court case involving Dartmouth that established them as private corporations, prospered.¹⁵ The contrast with the relative freedom of private institutions to manage themselves, and the sentiments of the select committee to place greater authority in Michigan’s governing board, finally led to reform.

At a second state constitutional convention in 1850 the University of Michigan was conferred the status of a public trust. The university could now operate legally a fourth branch of Michigan’s government—the first in the nation. The board of regents was reconstituted as an elected board with staggered terms, vested with “general supervision” of the Ann Arbor campus and, with the exception of fiduciary duties, free from statutory provisions regarding its management.

A number of other states would follow this public trust model: Minnesota (1858), California (1879), Idaho (1890), and later Utah, Colorado, Nevada, Oklahoma, Georgia, and Montana. Yet the level of autonomy granted by such public trust status varied, in part by the language used in each state constitution, by subsequent revisions and legal decisions, and by the political culture of each state. The state universities in Michigan and California developed the clearest separation of authority. Yet all of these public institutions are not free from the influence of lawmakers who have often used their power of public allocations of funding to shape university management in one way or another.

In a 1973 study on public universities and the law, Lyman Glenny and Thomas Dalglish noted that, “The Legislature’s power to appropriate, then, is one major source of limitation on the autonomy of universities with constitutional status, provided areas considered to be within the prerogatives of the governing board are not yet ventured into—areas such as academic policy, admissions and graduation standards and requirements, tenure, student discipline, new programs, and the like.”¹⁶ It is also important to note that in the landscape of American public colleges and universities, very few have constitutional status. The majority were established by statute.

Yet the historical path of creating colleges and universities as unique corporate entities of the state, and not simply as one among many state agencies, greatly influenced the autonomy of these institutions. Statutory provisions tended to defer to the board. But the norms of behavior between lawmakers and university governing boards took time to mature and have always been conditioned by a certain volatility in the relationship.

Despite the University of Michigan’s new status, in the 1850s and beyond, the powers of the elected board were not entirely clear and were repeatedly tested. The board showed itself subject to the same political predilections one saw in the legislature. While no longer directly subject to lawmaker desires in its internal management, special interest groups largely defined by ethnicity and related political shifts of that decade were substantial sources of influence on the behavior of the board. While largely an elected body, the board, for example, still retained the governor as an ex officio member. Elected members tended to see their constituency in terms of their home districts and ethnic and corresponding religious affiliations. Even with the reduction in the role of lawmakers to set institutional policy, the policy domain of the board had its own political nature and internal conflicts.

Michigan attracted Tappan precisely because of the unique status of the state university. He hoped that the board could truly act as a semi-autonomous entity, weighing external pressures but ultimately deciding on an enlightened path of university development under his guidance. On arriving, he immediately confronted difficulties. The University of Michigan’s course of combining the practical function of agricultural training with literary and scientific academic programs spawned growing dissatisfaction among farmers, who thought it distracting and indifferent to the core agricultural needs of the state. Another challenge was the desire of many local communities to garner public funding for their own sectarian controlled colleges. The two decades following 1840 brought a proliferation of small denominational colleges in Michigan, natural rivals to the equally young state university.

The growth and activism of sectarian communities in Michigan reflected the diversity of the state’s demographic mix. Lutherans, Congregationalists, Catholics, and about a dozen other religions held sway in different parts of Michigan, creating a patchwork of communities. States like Michigan and Wisconsin were steeped in religious rivalry, hatred, suspicion, and envy. This strong force fought the notion of public taxation for the common school as potential threats to ethnic cohesion and culture. And while they often denounced “Godless” public universities, they also attempted to control them.

Proposals to dismember the University of Michigan were fought by Tappan. He argued fervently that “waters collected in one deep channel may turn a thousand mills, which if divided in a thousand channels may be insufficient to turn one.” He attempted to build agriculture as a central part of the university’s programs but repeatedly met opposition from the state agricultural society, which desired its relocation, and funding, to a new and separate agricultural college. “I do not wish to speak with severity of those who may differ from me in opinion,” Tappan wrote in his appeal to the people of Michigan in 1858, “but I certainly have a right to state what I believe to be an indisputable fact, that no true University has ever yet been established by a distribution of its parts in different localities.”¹⁷

Tappan imagined a dismantling of the institution he came to build: the medical department to Detroit, the law department to Lansing, the department of geology and mineralogy to the Upper Peninsula because of its mineral resources. The professor of Greek might be relocated to the town of Niles because of the “Arcadian beauty of the banks of the St. Joseph.” Local jealousies “must soon subside before a general common sense.”¹⁷

The power of sectarian and constituent interests was felt in other states. Indeed, the die was already cast in Michigan. The state established its first normal school in 1850 to train teachers in the art of agricultural education and under the administration of the state agricultural society. But most significantly, a year before Tappan’s admonishments the state legislature approved the state agricultural society’s proposal for the first state agricultural college in the nation on undeveloped land near Lansing—what would eventually grow into Michigan State University.¹⁸

Many states threatened to found separate agricultural colleges at public expense, including Iowa and Ohio. Lawmakers felt that existing public, and private, colleges lacked the academic culture and will to meet the needs of farming and other economic interests in the state. Most states, however, failed to act until after the Civil War. In the case of Ohio, the failure of the state university in Columbus to create an agricultural program caused farmers to urge a separate institution. Pennsylvania established a Farmer’s High School in 1854 and anointed it the Agricultural College of Pennsylvania in 1862. And New York State Agricultural College opened in 1860.

In the midst of the set-back of state approval of a competing agricultural institution, Tappan also faced a rising tide of sectarian interests which continued to oppose the development of the “Godless” public university or else sought ways to influence its development. In the late 1850s, this was manifest in a persistent effort by a number of members of the elected Board of Regents to set litmus tests for faculty appointments. According to their view, a democratic society required that all faculty appointments be representative of the state’s sectarian communities.

Tappan reacted harshly to denominational tests, and more generally to the effort to influence the academic management of the university. Denominational representation, he stated, would split the university “into conflicting parties, and the professor be found heading their respective clans...we shall have a grand gymnasium where Catholics and Protestants, the orthodox and the heterodox, engaged in endless logomachies shall renew Milton’s chaos—‘A universal hubbub wild, Of stunning sounds and voices all confused.’”¹⁹

While noting his personal affiliation as a Presbyterian, Tappan professed the ideal that faculty should be hired only on their academic merit. Any other criteria would bring an end to the university’s quest to become a beacon of enlightenment. “The part of the Regents is, to take the utmost pains to procure professors who are qualified for their office, and then to trust to their uprightness and discretion; always, of course, holding in reserve the power to check imprudence, and to correct evils. Indeed, a well selected body of professors will so assimilate as to check and regulate each other.”²⁰

Similarly, students should be free of proselytism in the classroom. Yet the University of Michigan was not devoid of religious theocracy. Like other public universities and colleges, students were required to attend “divine worship” on the Sabbath, and Tappan saw subtle opportunities for teaching of Christian ethics “by graceful and apt episodes in the class room when the subject naturally suggests them; by employing scientific truths to illustrate natural theology.” Tappan gave a talk on Sunday afternoons that was an “option for students.” For Tappan, voluntary participation and non-denominational opportunities were the key for creating an appropriate dividing line between religion and the academic world. “We are all Christians, we are all Americans. Whatever may be our differences, we have a common agreement—common interest in the great subject of education.”²¹

In his long struggle with denominational and agricultural interests, Tappan articulated a set of values that became critical in the long-term development of the nation’s public universities. Not only did he successfully grapple with the issue of balancing the practical with the classical to create a true university, he also helped establish the precedent of autonomy for state universities, and more specifically for their governing boards, presidents, and the faculty. Tappan continued to argue forcefully for the idea of the state university as an integral part and active player in the practical needs of a state.

Yet the university needed significant institutional autonomy lest it become simply a plaything of politics and sectarian interests. In this view, the Board of Regents provided a vital link with the public constituents of Michigan. But the board also needed to provide a protective buffer from unreasonable demands. In preaching this cause, however, Tappan was only partially successful. His strong opinions generated numerous battles with lawmakers, community leaders, and most importantly with members of his own board who, in 1863, forced his resignation. Yet in these battles lay the foundation of the modern university: autonomy and academic freedom and a definition of the university's proper role in society.

THE STATE UNIVERSITY, THE SCHOOLS, AND ADMISSIONS

In 1957, U.S. Supreme Court justice Felix Frankfurter stated what was a generally accepted principle of "four essential freedoms of a university—to determine for itself on academic grounds who may teach, what may be taught, how it should be taught, and who may be admitted to study."²² Tappan's energetic debates over autonomy a century earlier influenced Frankfurter's judgment. And in Tappan's time, as well as today, among the most important social responsibilities of a public university is defining who should have access to the university. To a degree unmatched by private colleges and universities, the constituency of new state universities was clear: academically able students who lived within the boundaries of a state. "This University belongs to the people," Tappan insisted.

Its advantages are freely thrown open to the people. The son of the poorest man can enter here as freely and independently, as the richest. Education levels all artificial distinctions, and creates only that aristocracy which all men acknowledge, and which the God of the universe sanctions, the aristocracy of intellectual and moral worth. It creates such aristocrats as Clay, Webster, Cass, and Pierce, men of the Constitution, men of the people, the glorious dead! the honored living!²³

The tenor of this grand ideal resounded in the ears of Michigan's citizenry. Yet a significant disjunction existed—a growing network of common schools, the ideal of a great public university, and little in between to connect the two. In the nomenclature of that era, the educational ladder was incomplete. Michigan again provided an important case example of progressive change. Tappan articulated the problems inherent in such a disjunction—a problem that Jefferson considered and worried about as well. But the policy innovations and institution building would come well after Tappan's departure from the presidency of Michigan.

Harold Wechsler notes in his book on selective admissions that "the twentieth century practice of limiting enrollment to a fraction of the academic qualified candidates" would have been "inconceivable to the old-time college president."²⁴ Demand for higher education was low among the largely white male population of largely farmers eligible for possible enrollment, competition significant, and preparation poor. (At the University of Michigan, the first African-American was enrolled in 1853; not until 1870 were women allowed to enroll at the University of Michigan and the first African-American women in 1873). Tappan and other promulgators of the idea of a "true university" struggled with this lack of demand and sought a path to systematically create public schools *and* a university. He dismissed the insistence of some, including agricultural interests, of open admissions—a path taken under public pressure in many new state universities. The way to promote the university, Tappan believed, was active promotion of all public education in the state. Here was a formula absolutely key to the future vitality and excellence of the American public university and college—one that remains salient.

"Common school education should be perfected, because, it is essential to a free people as air and light to creatures that must breathe and see," Tappan mused when he first came to Michigan. But this development should also be accompanied by the growth of the relatively new "intermediate" or public high school. Unlike most other state universities, in 1852 the University of Michigan did not operate a preparatory college. Admission to Michigan's young university generally required examinations in mathematics, geography, Latin, and Greek. This consisted either of informal oral examinations or written examinations on each subject.

How a student gained competencies in these subjects was not a concern of the university. In fact, a common path to a university education was no formal educational program at all, but the hiring of private tutors—an expense few could afford and many could not justify. State law established of a system of public education comprising "primary schools, the intermediate class of schools, however denominated, and the University."²⁵

The problem was defining and encouraging the development of the American high school. And in this policy challenge, Michigan was not alone. Indeed, the robust future of America's research universities would be determined by how this problem was solved. "When the Primary Schools, and the University are properly organised and unfolded," Tappan remarked, "then the way is prepared for giving the intermediate institution...its due proportions and efficiency: for then we shall not only know where to begin, and where to end this intermediate course; but, we shall, also, be under no temptation of pressing the student with overmuch study and thus inducing superficial scholarship. The University will then be ever before him with its ample preparations, inviting him to a ripened scholarship in whatever department he may select."²⁶

Much is made by historians of the influence of Baron von Humboldt's model of the "new" university. The unity of research and teaching, the ideals of free inquiry, secularism, the necessity of libraries as depositories of the accumulative process of knowledge production, and the university as place for advanced learning—all were significant innovations that formed the foundation for Humboldt's establishment of the University of Berlin.²⁷ A whole generation of American higher education reformers drew on this example, often deeply influenced by their own personal training at the Universities of Berlin, Heidelberg, and Gottingen.

But another important fascination, particularly for reformers in public institutions such as Tappan, was the organization of public schools and the relatively recent innovation of the German Gymnasium and its preparatory function. An American version of this distinct school was the key for both separating the worlds of secondary (or intermediate) training and higher learning and creating a permanent and mutually beneficial bond; here was the vital component for developing talent for the universities. Antebellum America remained fixed on creating its own brand of education but with a constant eye on European reforms. Among many important reports that circulated within states struggling to fashion their own school systems were translations of Victor Cousin's 1831 study on Prussian education and an 1837 report to the Ohio legislature on European education by Calvin Stowe. Henry Barnard's widely circulated 1854 report on reforms in German and French education gave additional impetus to the notion of publicly funded education.

Tappan's advocacy of a system of public intermediate schools was decidedly on the German model—one that other states considered as well. Tappan also wanted to thwart the continued interest among lawmakers and communities in having the University of Michigan provide a geographic distribution of branch Gymnasiums, staffed by university faculty. This was a model sanctioned by the first charter for the University in 1837 with the advocacy of the state superintendent of schools. It resulted in an experiment with a number of "branch campuses" that were to act as feeders to the state university.

However, these failed to act as a bridge to the university. In their curriculum and operation, they became simply colleges that viewed themselves as "coequal with the University itself," according to Tappan, tied to local communities and operating largely independently. Worst of all, they were in constant financial trouble and funneled university funds away from building the campus at Ann Arbor. In 1846, the University's regents withdrew funding, hoping that local communities would pick up the costs. Despite proposals for renewed support, Tappan urged a financial separation from the University, and the branch campuses withered. In their place, a number of communities established union schools, institutions that combined primary and secondary functions.

In 1850, a survey by Henry Barnard, the educational reformer and champion of the common school movement, counted some 8,100 public common schools in the United States, a total of over 6,000 academies enrolling some 263,000 students, and 239 colleges and universities with a total enrollment of approximately 27,800 students.²⁸ The idea for the American public high school could be found Benjamin Franklin's 1779 American Philosophical Society's treatise on the educational needs of a new nation. Both the 1816 state constitution of Indiana and the 1817 constitution of Tennessee declared their intent to establish such a public secondary school. But Boston proved the first to actually create a taxpayer funded and publicly managed institution in 1821, what was named the "English Classical School." A number of America's growing urban areas followed Boston's lead. In 1850 there were an estimated 43 public secondary schools, mostly concentrated in the North Atlantic states.²⁹

Despite Tappan's admonishments, Michigan proved slow in developing the public high school until well after the Civil War. Three factors help explain the difficulties in creating public secondary institutions in Michigan and other states. First, among the largely farming communities of the state, and as continuously voiced by their representatives in the state legislature, public secondary education was of minimal interest and considered unnecessary for all but the training of gentlemen and for the few destined for the professions. Private institutions, including the private academies, seemed a sufficient model. Here was a political force that also minimized the need for the university, unless it directly catered to farming interests.

A second factor: Many education advocates valued the idea of the public secondary school and the state university but argued that the concentration of funds and effort should be placed in building a comprehensive network of primary schools. The third factor was that while there was little consensus on the need for public secondary schools, significant opposition existed to using taxpayer funds for their development. Again, the same sectarian interests that viewed public universities as dangerous and godless also worked staunchly against the establishment of public high schools.

Inherent in the arguments against public funding of secondary schools was a general and growing consensus that access to primary schools was a right—a relatively new right, but one backed by legislative actions of states and a growing body of legal rulings. However, access to secondary education continued to be seen as a luxury. The completion of secondary school was neither a widely accepted prerequisite for economic mobility or high social status—nor even a requirement for most professions including, as one Michigan legislator admonished, the presidency of the United States. These arguments significantly slowed the establishment of high schools throughout the nation.

In Kalamazoo, Michigan, the fervor of these complaints resulted in a legal suit to block municipal funding of a high school. Kalamazoo was home to a denominational college. In total, some fifty percent of all college students in Michigan enrolled in denominational colleges while the other fifty percent attended the University of Michigan or the new agricultural college in Flint. The suit was filed in 1872 and stated that there "is no authority in this State to make the high schools free by taxation levied on the people at large."

Two years later the Michigan State Supreme Court's ruling was unequivocal, stating the right of all local communities to establish secondary schools at public expense. "Neither in our state policy, in our constitution," stated the decision, "or in our laws, do we find the primary school districts restricted in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if their voters consent in regular form to bear the expense and raise the taxes for the purpose."³⁰ The ruling was written by Judge Thomas Cooley, who was also a faculty member of the University of Michigan's law school. Cooley also stated that Michigan's constitution promised an integrated system of public education, stretching from the primary school through the university.

This ruling proved an important precedent for legal challenges in other states and bolstered considerably the proliferation of the high school. Although records on school establishment prior to 1890 are incomplete, an estimate in 1904 indicated that some 177 public high schools existed in 1870. Over the next ten years, that number nearly doubled—an increase of 302 high schools. By 1900, more than 1,320 public high schools populated the various American states. The most significant growth occurred in the Midwestern and North Central states, such as Michigan, Pennsylvania, and Wisconsin. Some 210 of all high schools established between 1870 and 1880—or 70 percent of the estimated national total created in that decade—occurred in this section of the country, reflecting in part population growth but also a deepening commitment to public education.³¹

In the years prior to the Kalamazoo ruling, one of Tappan's successors as president of the University of Michigan, Henry Simmons Frieze, made forays to the state legislature to encourage public funding for the high school. Frieze argued for universal public secondary education in the state, both as a route for socio-economic mobility and as a vital source of students prepared for a university education. But part of the problem was the quality of these schools. He envisioned a significant change in the University's admission process that would prove a widely accepted model throughout the United States and that would more clearly articulate the difference between secondary education and college.

In 1870, the University of Michigan adopted the nation's first public high school accreditation program. University faculty would prescribe a curriculum required for admission to the campus in Ann Arbor and visit public high schools to review their program. High schools that met the University's expectations would gain accreditation. Students who then graduated from these schools and gained the recommendation of the school's principal would then be certified for automatic admission to the University.

This idea reflected the certification model used in Germany, where the graduate of the *Gymnasium* who gained the *Abitur* degree could then gain admission to the university. Yet there were important differences. For one, the *Gymnasium* was a selective and elite component of Germany's largely public education system, while the American public high school was an institution of much broader conception and intended to provide universal access for all who graduated from elementary and later junior high schools. Further, the *Abitur* was attained by passing an examination conducted by the *Gymnasium*; Michigan's certificate program relied simply on the student taking the appropriate college-preparatory courses in a school accredited by the University.

The power and influence of this model was simple. It linked directly the emerging standards of the university with the public schools, while also providing local communities and students a clear understanding of the requirements to enter a public university. Both the written and oral examination processes used previously by Michigan and other institutions were viewed as inherently unpredictable and potentially biased.

A student record at a legitimate school over time offered a greater sense of a student's academic preparation than the result of a series of short tests. The certificate program promised, it was thought, a more egalitarian approach, placing the burden on the high school to meet standards limited to academic achievement in a prescribed set of courses. The recommendation of the principal offered a final screen for the character of the student—although it was clearly a criterion that could be and indeed was abused. It appears that the principal's recommendation was largely *pro forma*. As this system evolved, a principal at an accredited school might also recommend a student who did not meet all course requirements due to unusual and difficult circumstances.

The net result was a new and relatively transparent requirement for the school and the student that in turn gave greater definition to the social contract of a public university: the promise to accept all students who graduated from an accredited school. In 1871, three years before the Kalamazoo decision, the university implemented this requirement and began the process of accrediting high

schools. There was no discussion of including the private academies or the denominational colleges in this scheme—undoubtedly because of their clear autonomy, but also because of their significant opposition to the public secondary school and competition between the private and public higher education sectors.

The accreditation model did not completely replace the process of examinations. This route was maintained in order to afford access by students from non-accredited public high schools and for those from private academies and colleges. In the decade following the 1871 pronouncement in the University of Michigan's catalogue, the number of students admitted by certificate and by examination was roughly equal.³²

AN INFLUENTIAL MODEL

The influence of this University of Michigan cannot be overstated.³³ Michigan's model offered a path for elevating the quality of students entering state universities and for promoting a steady flow of students. Here was also a route that promised to end the necessity of preparatory departments and courses in most state universities. The University of Michigan was one of the few institutions that did not operate such a program, in part influenced by the collapse of their branch colleges but also by Tappan's argument that a true university must be programmatically separated from secondary education.

Following Michigan's example, the states of Minnesota, Iowa, and Wisconsin began work on establishing similar public education systems in 1872. Indiana, Illinois, and Ohio also began the process in 1874. By the turn of the century, a total of 42 states included universities and land-grant colleges with some similar form of certificate program. This count also included a number of private institutions, including Harvard, along the eastern seaboard and in urban areas without significant public universities.

The University of Michigan also provided a model, if not a resolution to what is an on-going debate, for balancing the practical or utilitarian curricular offerings with the classical and literary, which would eventually lead to new concepts of what constituted a liberal arts education. And Michigan provides an influential guide post for debates over the proper autonomy and governance of America's emerging network of public universities.

In his survey of American political and social life, British observer James Bryce wrote in 1891 that "No State seems to have succeeded better than Michigan in establishing a judiciously regulated and systematized relation between the public schools and the State university."³⁴ Across the Sierras and along the coast of the Pacific, a young state viewed the rise of Michigan's state university with envy. Michigan's public university, the "noblest college existing on the continent," stated one advocate for the University of California, produced "a magical effect" on the progress and prosperity of that state. How might California emulate the University of Michigan, he asked.³⁵

The subsequent 1868 Organic Act establishing California's land-grant university included language reflected similar legislation in Michigan and Wisconsin. The University of California's stated purpose was "to provide instruction and complete education in all the departments of science, literature, art, industrial and professional pursuits, and general education, and also special courses of instruction for the professions of agriculture, the mechanic arts, mining, military science, civil engineering, law, medicine, and commerce."³⁶

The proper balance of utilitarianism and a liberal arts curriculum, the autonomy of universities in their management and governance, and policy debates about which students should have access to public universities – all of these important policy questions of the past remain relevant today, and not only in America, but for governments and universities throughout the world. And properly so, particularly as the value and socio-economic role of public universities, which are today the dominant form of higher education in enrollment and the breadth of academic programs, continues to grow.

ENDNOTES

- 1 John Aubrey Douglass, "The Rise of the Publics: American Democracy, the Public University Ideal, and the University of California," Research and Occasional Paper Series, Center for Studies in Higher Education, UC Berkeley, February 2018, CSHE.1.18.
- 2 Henry P. Tappan, A Discourse, delivered by Henry P. Tappan at Ann Arbor, Mich., on the occasion of his inauguration as chancellor of the University of Michigan, December 21, 1852. (Detroit: Advertiser Power Presses, 1852).
- 3 Adopted by the Congress of the Confederation, at Philadelphia, July 13, 1787, confirmed by the Congress of the United States, August 7, 1789.
- 4 Wilfred Shaw, *The University of Michigan* (New York: Harcourt, Brace and Howe: 1920).
- 5 Tappan, Henry P. (1851), *University Education* (New York: George P. Putnam).
- 6 Tappan, A Discourse.
- 7 Alexis de Tocqueville, *Democracy in America*, Volume II, 47-52.

8 Tappan, *A Discourse*, 11.

9 George Washington, "Sentiments on a Peace Establishment," May 1783

10 William Barton Rogers, "A Plan for a Polytechnic School in Boston," in *The Life and Letters of William Barton Rogers* (1896), Vol 1, 426-27.

11 A.D. White to Mrs. D.C. Gilman, May 3, 1909, quoted in Fabian Franklin et al., *The Life of Daniel Coit Gilman* (New York, 1910), 324.

12 Andrew D. White, *Autobiography* (New York, 1905), 271.

13 Henry P. Tappan, *The University: Its Constitution and Its Relations, Political and Religious* (Ann Arbor, 1858).

14 W. B. Cublip, *The University of Michigan: Its Legal Profile* (Ann Arbor: University of Michigan, 1969) 7-8.

15 In *Dartmouth College v. Woodward*, 17 U.S. 481 (1819), the Supreme Court ruled that the state of New Hampshire had violated the contract clause in its attempt to install a new board of trustees for Dartmouth College, and stipulating that it, and in essence, other private colleges were private corporations with limited purview by state governments once they were chartered by the state.

16 Lyman A. Glenny and Thomas K. Dalglish, *Public Universities, State Agencies, and the Law: Constitutional Autonomy in Decline* (Berkeley: Center for Research and Development in Higher Education, 1973) 22.

17 Tappan, *The University*.

18 Madison Kuhn, *Michigan State: The First Hundred Years, 1855–1955* (East Lansing: Michigan State University Press: 1950).

19 Ibid., 536.

20 Ibid., 542.

21 Ibid., 544.

22 *Sweezy v. New Hampshire*, 354 U.S. 234, 236 (1957).

23 Tappan, *The University*, 31.

24 Harold S. Wechsler, *The Qualified Student: A History of Selective College Admissions in America* (New York: John Wiley & Sons, 1977).

25 Tappan, *The University*, 31.

26 Ibid.

27 See Daniel Fallon, "The Origin and Continued Centrality of the Liberal Arts," Research and Occasional Paper Series, Center for Studies in Higher Education, July 2019, CSHE.5.2019.

28 Henry Barnard, *American Journal of Education* (1856), Vol. I, 368.

29 E.G. Dexter, *A History of Education in the United States* (New York: Macmillan Co., 1904), 173.

30 See Wechsler, *The Qualified Student*, 35; Daniel Putnam, *The Development of Primary and Secondary Education in Michigan* (Ann Arbor, George Wahr, 1904) 75-97.

31 Dexter, *A History of Education*, 173; see also Elwood P. Cubberley, *Public Education in the United States* (1919), 192.

32 Wechsler, *The Qualified Student*, 28.

33 James and Anne Duderstadt provide a historical profile of the University of Michigan and its influence in *When Michigan Changed the World* (The Millennium Project, the University of Michigan: 2020).

34 James Bryce, *The American Commonwealth* (London: Macmillan and Co, 1891) vol II, 554.

35 Debates and Proceedings of the Constitutional Convention of the States of California, 1878-79 (Sacramento: State Office, 1880) p. 1476.

36 See John Aubrey Douglass, "In the Beginning – Recalling the Legislation that Established the University of California," UC Berkeley Blog, March 23, 2021; see also *The California Idea and American Higher Education* (Stanford University Press, 2007).